

EXHIBIT 12

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Attorneys for Defendant Meta Platforms, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAXIMILIAN KLEIN, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

META PLATFORMS, INC., a Delaware
Corporation,

Defendant.

Case No. 3:20-cv-08570-JD

**DEFENDANT META PLATFORMS,
INC.'S SUPPLEMENTAL INITIAL
DISCLOSURES PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 26(a)(1)**

Judge: Hon. James Donato

1 Pursuant to Federal Rule of Civil Procedure 26(a)(1), Defendant Meta Platforms, Inc.
2 (“Meta”) hereby submits its first supplemental initial disclosures. The first supplemental initial
3 disclosures set forth below are made subject to the following qualifications.

4 Meta makes these initial disclosures based upon the information reasonably available and
5 currently known to Meta as of this date. Discovery is ongoing, and Meta anticipates that it will
6 obtain additional facts and identify additional witnesses and documents relevant to the factual
7 disputes in this action through its continuing pre-trial research, investigation, and analysis, and
8 through discovery of plaintiffs Maximilian Klein, Sarah Grabert, and Rachel Banks Kupcho
9 (together, User Plaintiffs), and plaintiffs Affilious, Inc., Jessyca Frederick, Mark Young, 406
10 Property Services, PLLC, Mark Berney, and Katherine Looper (together, Advertiser Plaintiffs), as
11 well as of nonparties who have knowledge of facts relevant to Plaintiffs’ claims and Meta’s
12 defenses, including, among others, the Federal Trade Commission and State Attorneys General
13 pursuing antitrust actions against Meta and their investigative files, materials pertaining to
14 witnesses, and other information or documents obtained by those governmental entities.
15 Accordingly, Meta does not represent that these disclosures identify every individual, document,
16 electronically stored information, or tangible thing that may be used to support its defenses.
17 Rather, Meta’s disclosures represent a good-faith effort to identify discoverable information that
18 it currently reasonably believes that it may use to support its defenses, as required by Rule 26(a)(1).
19 Meta expressly reserves its right to clarify, correct, alter, amend, modify, or supplement these
20 disclosures if and when additional information becomes available, in accordance with Rule
21 26(e)(1)(A), other Federal Rules of Civil Procedure, the Court’s Local Rules, and the Individual
22 Practices of this Court. Meta also reserves its right to supplement these disclosures in the event
23 the Court were to certify any class.

24 These disclosures are not intended to, and do not, constitute admissions as to the relevance
25 or admissibility of the information disclosed and are made without any waiver of attorney-client
26 privilege, work-product protection, or any other applicable privilege, protection, or immunity.
27 Meta’s disclosures are made without waiving (1) Meta’s right to object to the admissibility of any
28 information disclosed herein on the grounds of competency, privilege, relevancy, hearsay, or any

1 other proper ground, (2) Meta's right to object to the use of any information disclosed herein for
 2 any purpose, in whole or in part, in any proceeding in this action or in any other action, or
 3 (3) Meta's right to object on any and all proper grounds to any discovery request or motion relating
 4 to the subject matter of these disclosures consistent with the Federal Rules of Civil Procedure, the
 5 Local Rules, and the Individual Practices of this Court.

6 By identifying individuals as part of these disclosures, Meta makes no representations,
 7 concessions, or admissions regarding the relevant knowledge or competence to testify of any of
 8 those individuals. Meta reserves the right to object on any grounds to any deposition or testimony
 9 of any or all such individuals. Meta reserves the right to rely on any of the individuals or entities
 10 identified for subjects other than those listed. In addition, all of these disclosures are made without
 11 prejudice to producing, or disclosing, during discovery or at any point before trial, any additional
 12 documents, data, information, or witnesses, subsequently determined, or discovered to have been
 13 omitted from these disclosures.

14 Meta reserves the right to make objections to the production and admissibility of any
 15 documents, information, or tangible things or the answering of interrogatories regarding any
 16 matters discussed herein and to move for a protective order pursuant to Federal Rule of Civil
 17 Procedure 26 before producing or allowing any discovery of the matters stated herein.

18 Finally, in making these disclosures, Meta does not waive its position that each of the
 19 Plaintiffs' claims or allegations fail to state a claim as a matter of law and should be dismissed
 20 with prejudice.

21 **I. Rule 26(a)(1)(A)(i): *Name and, if known, the address and telephone number of***
 22 ***each individual likely to have discoverable information—along with the subjects***
 23 ***of the information—that Meta may use to support its defenses, unless the use***
 24 ***would be solely for impeachment***

25 Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(i) and subject to the qualifications
 26 stated above, Meta identifies the following individuals as likely to have discoverable information
 27 that Meta may use to support its defenses, excluding uses solely for impeachment. Discovery in
 28 this litigation is ongoing, and Meta reserves the right to further supplement these disclosures to the

1 extent necessary to identify additional individuals that may possess information relevant to Meta's
2 defenses.

Name	Contact Information	Subjects of Information
406 Property Services, PLLC	Bathae Dunne LLP Scott + Scott LLP	Plaintiffs' claims and allegations; antitrust injury; timeliness of claims.
Affilious, Inc	Bathae Dunne LLP Scott + Scott LLP	Plaintiffs' claims and allegations; antitrust injury; timeliness of claims.
Jessyca Frederick	Bathae Dunne LLP Scott + Scott LLP	Plaintiffs' claims and allegations; antitrust injury; timeliness of claims.
Katherine Looper	Bathae Dunne LLP Scott + Scott LLP	Plaintiffs' claims and allegations; antitrust injury; timeliness of claims.
Mark Berney	Bathae Dunne LLP Scott + Scott LLP	Plaintiffs' claims and allegations; antitrust injury; timeliness of claims.
Mark Young	Bathae Dunne LLP Scott + Scott LLP	Plaintiffs' claims and allegations; antitrust injury; timeliness of claims.
Maximilian Klein	Quinn Emanuel Urquhart & Sullivan, LLP Hagens Berman Sobol Shapiro LLP	Plaintiffs' claims and allegations; antitrust injury; timeliness of claims.
Rachel Banks Kupcho	Quinn Emanuel Urquhart & Sullivan, LLP Hagens Berman Sobol Shapiro LLP	Plaintiffs' claims and allegations; antitrust injury; timeliness of claims.
Sarah Grabert	Quinn Emanuel Urquhart & Sullivan, LLP Hagens Berman Sobol Shapiro LLP	Plaintiffs' claims and allegations; antitrust injury; timeliness of claims.
Brian Acton	Joseph Matelis Sullivan & Cromwell LLP matelisj@sullcrom.com	Acquisition and integration of WhatsApp.
Tom Alison	Wilmer Cutler Pickering Hale and Dorr LLP	Facebook's business and competition; product improvement and innovation.
Ime Archibong	Wilmer Cutler Pickering Hale and Dorr LLP	Meta's commercial relationships; data tools and applications; Facebook Platform.
Will Cathcart	Wilmer Cutler Pickering Hale and Dorr LLP	Competition to Facebook.
Stan Chudnovsky	Kellogg, Hansen, Todd, Figel, & Frederick, PLLC	Product improvement and innovation; messaging interoperability.
Curtiss Cobb	Wilmer Cutler Pickering Hale and Dorr LLP	Facebook user preferences; Facebook user surveys regarding privacy and data collection.

Name	Contact Information	Subjects of Information
Chris Cox	Wilmer Cutler Pickering Hale and Dorr LLP	Facebook's business and competition; data tools and applications; Facebook user preferences; product improvement and innovation.
Henry Crum	Wilmer Cutler Pickering Hale and Dorr LLP	Product improvement and innovation; Network Bidding Agreement with Google; Meta Audience Network.
David Fischer	Patrick D. Robbins Shearman & Sterling LLP probbins@shearman.com	Advertising market; advertising product improvement and innovation; Meta's commercial relationships with advertisers including eBay and Netflix.
Joshua Grossnickle	Wilmer Cutler Pickering Hale and Dorr LLP	Facebook user preferences; Facebook user surveys regarding privacy and data collection.
Nitin Gupta	Wilmer Cutler Pickering Hale and Dorr LLP	Product improvement and innovation; messaging interoperability.
John Hegeman	Wilmer Cutler Pickering Hale and Dorr LLP	Advertising market; advertising product improvement and innovation; signal loss.
Allison Hendrix	Wilmer Cutler Pickering Hale and Dorr LLP	Facebook Platform.
Ash Jhaveri	Wilmer Cutler Pickering Hale and Dorr LLP	Meta's partnerships with other companies; Meta's competitive environment.
Erik Johnson	Wilmer Cutler Pickering Hale and Dorr LLP	Meta's commercial relationships with advertisers including Netflix.
Santanu Kolay	Wilmer Cutler Pickering Hale and Dorr LLP	Advertisement ranking and delivery machine learning models.
Adam Mosseri	Wilmer Cutler Pickering Hale and Dorr LLP	Acquisition of Instagram.
Javier Olivan	Wilmer Cutler Pickering Hale and Dorr LLP	Facebook's business and competition; data tools and applications; acquisition of Onavo.
Edward Palmieri	Wilmer Cutler Pickering Hale and Dorr LLP	Meta's privacy and data use policies.
Jay Parikh	Kellogg, Hansen, Todd, Figel, & Frederick, PLLC	Meta's privacy and data use policies.
Keval Patel	Wilmer Cutler Pickering Hale and Dorr LLP	Facebook's business and competition; advertising product improvement and innovation.

Name	Contact Information	Subjects of Information
Emma Rodgers	Wilmer Cutler Pickering Hale and Dorr LLP	Meta's commercial relationships with advertisers, including eBay; Meta's Commerce products, including Marketplace.
Dan Rose	Kellogg, Hansen, Todd, Figel, & Frederick, PLLC	Facebook's business and competition; data tools and applications; product improvement and innovation.
Guy Rosen	Wilmer Cutler Pickering Hale and Dorr LLP	Acquisition of Onavo; use of Onavo data; privacy disclosures associated with Onavo apps.
Sheryl Sandberg	Wilmer Cutler Pickering Hale and Dorr LLP	Facebook's business and competition; advertising market and competition; product improvement and innovation.
Alex Schultz	Wilmer Cutler Pickering Hale and Dorr LLP	Facebook's business and competition; Facebook user preferences; data tools and applications; product improvement and innovation; advertising product improvement and innovation.
Okke Schrijvers	Wilmer Cutler Pickering Hale and Dorr LLP	Meta's advertising auctions.
Bret Taylor	James N. Kramer Orrick, Herrington & Sutcliffe, LLP jkramer@orrick.com	Meta's statements regarding its privacy and data collection practices; Facebook's business and competition; data tools and applications.
Stephanie Wang	Wilmer Cutler Pickering Hale and Dorr LLP	Meta's commercial relationships with advertisers, including eBay; Network Bidding Agreement with Google.
David Wehner	Wilmer Cutler Pickering Hale and Dorr LLP	Advertising product improvement and innovation; data tools and applications; signal loss.
Amin Zoufonoun	Wilmer Cutler Pickering Hale and Dorr LLP	Acquisition of Instagram and WhatsApp.
Mark Zuckerberg	Wilmer Cutler Pickering Hale and Dorr LLP	Facebook's business and competition; advertising and user markets; Meta's statements regarding its privacy and data collection practices; Meta infrastructure.

1 **III. Rule 26(a)(1)(A)(iii): *A computation of each category of damages claimed by the***
 2 ***disclosing party, including materials bearing on the nature and extent of injuries***
 3 ***suffered***

4 At this time, Meta is not claiming damages and denies that either User or Advertiser
 5 Plaintiffs are entitled to any amount of damages. Meta reserves the right to supplement, modify,
 6 or amend this disclosure as the action proceeds.

7 **IV. Rule 26(a)(1)(A)(iv): *Any insurance agreement under which an insurance***
 8 ***business may be liable to satisfy all or part of a possible judgment in the action***
 9 ***or to indemnify or reimburse for payments made to satisfy the judgment***

10 Meta has not identified any insurance agreement under which any person carrying on an
 11 insurance business may be liable to satisfy all or part of a judgment which may be entered in this
 12 action, or to indemnify or reimburse for payments made to satisfy any judgment. If Meta identifies
 13 such an agreement or becomes aware of such a claim or notification, it will provide the appropriate
 14 disclosures as required under Federal Rule of Civil Procedure 26(e)(1)(A).

15 Dated: May 1, 2023

15 By: /s/ Sonal N. Mehta

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